

(10)
KCN

IN THE MIDDLE DISTRICT COURT OF PENNSYLVANIA

DONALD CORNELIUS GENTRY

v.

JAMES M. MORGAN, SUPERINTENDANT

FILED
SCRANTON

CIVIL CASE NO. 1:CV:1675

NOV 03 2000

PER A DEPUTY CLERK

MOTION FOR RELEASE OF DOCUMENT, SERVICE OF THE COMPLAINT
ON THE DEFENDANT AND TEMPORARY RESTRAINING ORDER

NOW COMES THE PLAINTIFF, DONALD GENTRY IN THE ABOVE CIVIL MATTER WHO BEARS INMATE NO CB-3431 AND WHOM IS NOW CURRENTLY INCARCERATED AT THE STATE CORRECTIONAL INSTITUTION AT SMITHFIELD WHICH IS LOCATED AT PO. BOX 999, 1120 PIKE ST IN HUNTINGDON PA. WHOM NOW COME BEFORE THE COURT BY AND THROUGH THIS MOTION IN REQUEST OF THE ABOVE AND GIVE THE FOLLOWING IN SUPPORT OF WITH TWO ATTACHED EXHIBITS:

1. ON SEPTEMBER 14-2000 THE PLAINTIFF FILED A PRO SE 1983 CIVIL COMPLAINT WITH YOUR HONORABLE COURT WHICH SET FORTH SEVERAL ALLEGATIONS AGAINST THE INSTITUTIONAL MEDICAL DEPARTMENT WHICH WAS SENT TO THE COURTS FOR CONSIDERATION ON SEPTEMBER 22-2000. BUT HAVE NOT YET RECEIVED ANY DOCUMENTS OR ANY WRITTEN DECISIONS FROM THE COURTS:

2. THE PLAINTIFF HAS BEEN THREATEN AND HARASSED ON SEVERAL OCCASIONS BY THE FOLLOWING PRISON OFFICIALS WHO REFUSE TO GIVE ME MY MAIL, SEND MAIL OUT ALLOW ME TO CORRESPOND WITH THE COURTS AND WITH ANY ATTORNEYS OR INSTITUTIONAL STAFF THROUGH THE INSTITUTIONAL REQUEST AND GRIEVANCE SYSTEM. PRIOR LT-B-S. LEAR THE DEPARTMENT OF CORRECTIONS WAS NOT GOING TO GIVE ME NO MEDICAL TREATMENT AND I WAS NOT GOING TO WIN NO MONEY AS LONG AS HE WORKS FOR THE DEPARTMENT OF CORRECTIONS. THIS "LT" ALSO THREATEN TO KILL ME. I PERSONALLY SAW HIM, SGT SMITHBOWER, OFFICER BILL HELL AND SEVERAL OTHER OFFICERS RIP UP MY OUT GOING MAIL, ALTHOUGH I'VE WRITTEN TO THE SUPERINTENDENT ABOUT THIS MATTER NO ACTIONS HAS BEEN TAKING AND THE STAFF HAS CONTINUED TO HARASS ME.

3. THE PLAINTIFF REQUEST THAT THE COURTS MAKE SERVICE OF THE COMPLAINT ON ALL OF THE DEFENDANTS AND ORDER THEM TO TAKE THE PLAINTIFF TO A SKIN SPECIALIST OR HAVE A SKIN SPECIALIST COME TO SEE THE PLAINTIFF IMMEDIATELY DO TO THE FACT THAT THE PLAINTIFF CONTINUES TO SUFFER FROM A VERY BAD FACIAL SKIN IRRITATION. IN WHICH THE INSTITUTION HAS FAILED TO TREAT ME FOR. AND EVERY TIME THE PLAINTIFF COMPLAINS TO THE DEFENDANTS THEY TELL HIM THAT HE'S A LICK. AND REFUSE HIM TREATMENT WITHOUT A EXAMINATION.

4. THE PLAINTIFF NEEDS COPIES OF THE WHOLE MEDICAL RECORDS CONCERNING THIS MATTER AND COPIES OF HIS COMPLET GRIEVANCE FILE FROM THE INSTITUTIONAL SUPERINTENDANTS OFFICE AND WELL AS HIS MISCONDUCT RECORDS AND DOCTOR AND STAFF REPORTS TO FAITHFULLY AND SUCCESSFULLY FILE A AMENDED COMPLAINT.

5. THE PLAINTIFF ALSO SET FORTH THE FOLLOWING NAMES AND ADDRESSES OF THE PEOPLE THAT HE HAVE WRITTEN TO THAT WILL ALWAY RESPONCE TO HIS MAIL BUT SIMPLY RECEIVED NO RESPONSE. IN THE FOLLOWING ORDER

1. PASTOR, CHARLES GENTRY

2309 RUFFIN Rd

→ MY FATHER

RICHMOND VA. 22234

(804) 232-0446

2. MRS PATSY GENTRY

Po. Box 674

FLEISCHMANN'S NY 12430

→ MY SISTER IN LAW

3. THE INSTITUTIONAL LAW PROJECT

96 ANGUS LOE

924 CHERRY ST / 5TH FLOOR

→ A ATTORNEY

PHILADELPHIA PA. 19107

4. PA PRISON SOCIETY

2000 SPRING GARDON ST

PHILADELPHIA PA. 19130

→ HELP TO INMATES

WHEREUPON THE PLAINTIFF HONORABLE REQUEST THAT
YOUR HONORABLE COURT CONSIDER THE FOLLOWING MOTION
AND GRANT THE PLAINTIFF A TEMPORARY RESTRAINING
ORDER, THE REQUESTED DOCUMENTS AND ORDER THE
US MARSHAL SERVICE TO SERVE A COPY OF THE
COMPLAINT ON THE DEFENDANTS WITH A ORDER TO
PROPER TREAT THE PLAINTIFF THE PLAINTIFF ALSO
REQUEST THE COURT TO ORDER THE DEFENDANTS
TO HAVE THE PLAINTIFF SEEN BY A SKIN SPECIALIST

YOURS VERY TRULY

Donald Gentry

DONALD GENTRY CB-3431
SCI - Smithfield
P.O. Box 999, 1120 Pike St
HUNTINGDON PA. 16652

AFFIDAVIT OF SERVICE

I DO CERTIFY THAT I'VE SENT A TRUE COPY OF THIS DOCUMENT TO THE FOLLOWING PEOPLE WHO ARE DEFENDANTS IN THE ABOVE MATTER OR THE SUPERIOR OF THE DEFENDANTS AT THE FOLLOWING ADDRESS AND NAMES ABOVE : THROUGH FIRST CLASS MAIL

[SUPERINTENDANT, JAMES MORGAN]
SCI - SMITHFIELD
PO. BOX 989, 1120 PIKE ST
HUNTINGDON PA. 16652]

[MR George WEAVER]
SCI - SMITHFIELD MEDICAL DEPT
PO. BOX 989 1120 PIKE ST
HUNTINGDON PA. 16652]

[WEXFORD HEALTH SOURCE]
381 MANSFIELD AVE / SUITE 205
Pittsburg PA. 15220]

DATE : 10/28/00

DONALD GENTRY
DONALD GENTRY CB-3431
SCI - SMITHFIELD
PO. BOX 989, 1120 PIKE ST
HUNTINGDON PA. 16652

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
TO THE BEST OF MY KNOWLEDGE

DONALD GENTRY

COURTS COPY

Form DC-135A

EXHIBIT A

INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
<i>CC: SHARON BURKS, Files</i>		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <u>MRS SHARON BURKS</u>	2. Date: <u>OCTOBER 2-2000</u>	
3. By: (Print Inmate Name and Number) <u>MR DONALD GENTRY CB-3431</u>	4. Counselor's Name <u>MISS ANGELA ZIMMERMAN</u>	
<u>Donald Gentry</u> Inmate Signature	5. Unit Manager's Name <u>MR S. BURK</u>	
6. Work Assignment	7. Housing Assignment <u>J/A CELL 2</u>	
8. Subject: State your request completely but briefly. Give details. <i>I MRS BURKS I'M WRITING IN REQUEST OF ALL OF THE GRIEVANCES IN MY AND APPEALS FROM THE SUPERINTENDANTS OFFICE SO THAT I CAN PROPERLY DRAW UP A AMENDED COMPLAINT TO THE UNITED STATES DISTRICT COURTS. THESE GRIEVANCES SHOULD BE IN REGARDS TO MAIL, MEDICAL TREATMENT, PRISONER ABUSE, REFUSAL OF ACCESS TO THE COURTS. AND VERY POOR HOUSING. IF YOU WOULD PLEASE TAKE OUT THE TIME TO COPY AND SEND ME THESE DOCUMENTS IT WOULD BE VERY DEARLY APPRECIATED.</i>		
9. Response: (This Section for Staff Response Only)		
<i>NO RESPONSE</i>		
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print _____ Sign _____

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EXHIBIT B

TWO ATTACHMENTS

DC-135A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

OCTOBER 25 - 2000

1. TO: (NAME AND TITLE OF OFFICER)	2. DATE
MRS SHARON BURKS	
3. BY: (INSTITUTIONAL NAME AND NUMBER)	4. COUNSELOR'S NAME
MR. DONALD GENTRY CB-3431	
5. WORK ASSIGNMENT	6. QUARTERS ASSIGNMENT
51A CCII 2	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.	

MRS BURKS. I'M WRITTING YOU EN THIS BRIEF COMPLAINT THROUGH THE INMATE DC-135-A REQUEST SYSTEM TO STAFF IN HOPES OF RECEIVING YOUR HELP AND ASSIST AS WELL AS ACTIONS AGAINST THE R-H-U STAFF AND OFFICERS WHOM ARE CURRENTLY ABUSING ME AND DENYING ME MY DO PROCESS RIGHTS TO COMMUNICATE WITH STAFF THROUGH THE INMATE DC-135-A REQUEST FORMS TO STAFF. I'VE BEEN REFUSED THESE FORMS AS WELL AS CASH SLIPS, SICK CALL SLIPS, GRIEVANCE FORMS AND CERTIFIED MAIL FORMS. BY OFFICER BITHELL, OFFICER MAGAN SGT D. SMITHBOWER, LT. B-S. LCOPE. AND ANY OTHER OFFICER WHO WORKS THE R-H-U. THE ONLY WAY I CAN GET THESE FORMS IS TO FISH THEM UNDER THE DOOR IN MY CELL FROM OTHER INMATES ON THE BLOCK. I'VE ALSO BEEN THREATENED WITH.

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

EXHIBIT B

 TO DC-14 CAR ONLY TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

DC-135A

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS**

INMATE'S REQUEST TO STAFF MEMBER**INSTRUCTIONS**

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

OCTOBER 25 - 2000

1. TO: (NAME AND TITLE OF OFFICER)	2. DATE
MRS. SHARON BURKS	
3. BY: (INSTITUTIONAL NAME AND NUMBER) DONNID GENTRY CB-3431	4. COUNSELOR'S NAME
MRS. SHARON BURKS	
5. WORK ASSIGNMENT	6. QUARTERS ASSIGNMENT
J/A CELL 2	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.	

DEATH SEVERAL TIMES BY LT. B. S. LEWIS ON OCT 8TH THROUGH OCT 14TH 2000. SGT D. SMITH BOWER HAS ALSO HARASSED ME SEXUALLY DURING A STRIP SEARCH TO EXIT THE R-H-U SHOWER. WHEN I ASKED HIM NOT TO HARASS ME HE STATED YOU GOT YOUR SHIT IN THIS MESS NOW YOU CAN'T TAKE IT. HE THEN STATED I HAVE NOT STARTED TO HARASS YOU YET. WAIT UNTIL I DO. OFFICER BITTNER TOLD ME I AIN'T GIVING YOU NOTHING. NOT ONLY DO THESE OFFICER TAKE MY MAIL AND HARASS ME BUT THEY WALK AROUND THE BLOCK TALKIN ABOUT ME TO THE OTHER INMATES. THEY ALSO STOCK ME FROM OUT SIDE MY R-H-U WINDOW. AND I HAVE SENT YOU SEVERAL REQUEST SHIPS CONCERNING THIS MATTER BUT SIMPLY RECEIVED NO RESPOND. I'VE ALSO BEEN REFUSED A RIGHT TO WRITE TO

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Exhibit B

TO DC-14 CAR ONLY

TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

DC-135A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER**INSTRUCTIONS**

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

OCTOBER 25 - 2000

1. TO: (NAME AND TITLE OF OFFICER)	2. DATE
MRS SHARON BURKS	25-2000 OCT 25 - 2000
3. BY: (INSTITUTIONAL NAME AND NUMBER)	4. COUNSELOR'S NAME
DONALD GENTRY CB-3431	MISS ZIMMERMAN
5. WORK ASSIGNMENT	6. QUARTERS ASSIGNMENT
	J/A CELL 2
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.	

AND COMMUNICATE WITH MY CRIMINAL ATTORNEY OR THE COURTS BY TELEPHONE. ALTHOUGH I HAD PROOF OF A OCT 18-2000 LEGAL DEAD LINE. MY COUNSELOR ANGELA ZIMMERMAN SIMPLY REFUSED TO ALLOW ME TO CALL MY LEGAL COUNSEL. AND EVERY TIME SHE COMES AROUND SHE'S ESCORTED BY A OFFICER WHICH I GO TO THE DOOR TO ASK HER QUESTIONS SHE JUST WALK AWAY. NONE OF THE OTHER COUNSELORS ARE ESCORTED JUST MY COUNSELOR. MY LAST COMPLAINT IS ON OCT 25-2000 I DID RECEIVE A LEGAL LETTER FROM THE COURTS WHICH HAD ALREADY BEEN OPENED AND THAT'S A VIOLATION. OFFICER SAKO IS MY WITNESS TO THIS BECAUSE HE DELIVERED THE OPEN PACKAGE TO ME.

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

Faithfully Submitted ~~#200100~~ 10/25/00

Exhibit B

TO DC-14 CAR ONLY

TO DC-14 CAR AND DC-15 IRS

ATTACHMENT

DONALD GENTRY CB-3413
SCI-SMITHFIELD
PO. BOX 999, 1120 PIKE ST
HUNTINGDON PA. 16652

MR. ROBERT B. STEWART
HUNTINGDON CO ATTORNEYS OFFICE
300 PENN ST
HUNTINGDON PA. 16652

"OCT 27-2000"

INMATES COMPLAINT AND REQUEST OF CRIMINAL CHARGES AGAINST PRISON STAFF AND OFFICIALS

DEAR MR STEWART

I'M A INMATE WHOM IS CURRENTLY HOUSED AT THE STATE CORRECTIONAL INSTITUTION AT SMITHFIELD WHICH IS LOCATED HERE IN HUNTINGDON PA. WHOM HAVE EXPERINCED MANY UNHUMAN AND CRUEL DIFFERULTIES WITH THE STAFF WHERE I WAS MINOR ASSAULTED BY A OFFICER ON AUGUST 25-2000 AT 14:00. IN WHICH OFFICE TICONI ESCORTED ME FROM THE R-H-U SHOWER AREA TO MY CELL. AFTER I WAS IN MY CELL HE ATTEMPTED TO BREAK MY ARM WHILE TAKING THE HANDCUFFS OFF. BY SWISSING MY HAND SO FAR BACK THAT IT SWOLL UP I WAS THEN MOVED TO ANOTHER HOUSING UNIT WHERE I WAS REFUSED MY MAIL. THREATIN BY LT. B.S. LEAR. AND HARASSED BY OFFICER BITHELL AND SGT D. SMITHBOWER. WHEN I ATTEMPTED TO WRITE TO THE INMATE GRIEVANCE

OFFICER MRS SHARON M. BURICS SHE REFUSED TO RESPOND OR INVESTIGATE MY CLAIMS. AND WHEN I WROTE TO THE MAJOR MAJOR DALE NORRIS HE SIMPLY GAVE MY COMPLAINT TO LT LEAR AND ORDERED HIM TO HARASS ME MORE. THE MORE I COMPLAINED THE MORE THE STAFF THREATIN AND HARASSED ME. PRIOR LT LEAR I COULD WRITE ALL I WANT TO BECAUSE IT WAS NOT GOING TO DO NO GO. ON SEVERAL OCCASIONS HE ALSO THREATIN TO KILL ME. SGT SMITHBOWER HAS THREATIN ME ALSO BY SAY I HAVE NOT HARASSED YOU YET. WAIT UNTIL I START TO HARASS YOU. I HAVE NOT RECEIVED ANY MAIL IN SEVERAL MONTHS FROM ANY ONE OTHER THEN ONE LEGAL PACKAGE FROM THE UNITED STATES DISTRICT COURTS WHICH HAD ALREADY BEEN OPENED AND THE OFFICERS HAD TAKING WHAT THEY WANTED OUT OF IT.

I'VE WRITTEN LETTERS TO MY CRIMINAL ATTORNEY MR. PHIL SCHEMEL OF
13 WEST MAIN ST WAYNESBORO PA. WHOM ALWAYS WROTE BACK BUT SIMPLY
RECEIVED NO RESPONSE. THESE LETTERS WAS HANDED OUT OF MY CELL TO
SGT D. SMITHBOWER, AND SGT D. SMITHBOWER, OFFICER BISHOP OR OFFICER
MAGEN IS USUALLY THE OFFICER WHO GIVES OUT THE MAIL. BUT I NEVER
RECEIVE MY MAIL. ON SEPTEMBER 14. 2000 I PRO SE FILED A 1983
LAW SUIT ASKING THE MIDDLE DISTRICT COURT TO ASSIST ME IN RECEIVING
MEDICAL TREATMENT. HOWEVER THE OFFICERS ARE DESTROYING MY
MAIL. AND TREATING ME VERY CRUEL. I'M NOT ALLOWED TO WRITE
OR TALK TO MY COUNSELOR, WHEN SHE MAKES HER WEEKLY ROUNDS
SHE'S ALWAYS WITH A OFFICER. AND WHEN I START TO ASK HER
QUESTIONS SHE JUST WALK AWAY FROM MY CELL. I'VE BEEN REFUSED
TELEPHONE CALLS TO MY ATTORNEY. AND I'VE HEARD NURSE ██████████ CALL

TELL ANOTHER INMATE DURING HER ROUNDS MORE THEN ONCE THAT I'M ABOUT TO GET KILLED. WHEN I ASKED HER ABOUT MY MEDICATION THE NEXT DAY SHE ROLLED HER EYES AND THE SGT. SGT SMITH BOWER TOLD ME TO TAKE MY MEDS BECAUSE THE NURES DID NOT HAVE TIME TO ANSWER MY QUESTIONS. THERE'S CURRENTLY ALOT OF CORRUPTION going ON HERE. THE OFFICERS ARE COMING TO WORK DRUNK, THE NURESES ARE ALLOWING THE INMATES TO DIE. JUST A FEW MONTHS AGO A INMATE DIED ON THE MAIN YARD

ALL BECAUSE THE MEDICAL STAFF TOOK OVER 20 MIN TO COME
TO HIS AID. ALTHOUGH I WAS IN LOOK UP AT THE TIME I HEARD
THAT NURSES SUSAN STATES AND NURSE K. ALLEN WAS ON DUTY
AND AFTER 20 MINS CAME OUT WALKING VERY SLOW TO A
DIEING INMATE WITH A WHEEL CHAIR. I'M NOT VERY GOOD AT
CRIMINAL LAW BUT IF NOTHING MORE I WOULD APPRECIATE IT
IF YOU WOULD COME OUT TO THE PRISON AND SPENT WITH ME.
THERE WILL BE NO USE IN WRITING BECAUSE STAFF WILL ONLY
TAKE YOUR LETTER AND DESTROY IT.

Yours very truly
David Gurney